

CIVIL DOCKET
UNITED STATES DISTRICT COURT

BARROW
(CLASS ACTION)
Jury demand date:

72-C-169
(72-C-344 & 72-C-345
cons. w. this case)

D. C. Form No. 106A Rev.

& Harper

TITLE OF CASE

ATTORNEYS

Stipe, Gossett, Stipe
P.O. Box 53567

DR. JAMES EMORY SEASHOLTZ, and
WELCH MEDICAL CENTER AND HOSPITAL, and
DR. IRA JOHN SEASHOLTZ,

For plaintiff:

Dr. James Emory Seasholtz, Pro Se
52585 Base Street
New Baltimore, Michigan 48047

Waynoka, Ok 73860 P.O. Box 296

Joseph E. Mountford
Box 1166
Miami, Okla. 74354
(Dr. Ira John Seasholtz)

~~Dr. Ira John Seasholtz, Pro Se~~
~~35220 Weideman Street~~
~~Mt. Clemens, Michigan 48043~~
~~(Agent: Dr. James E. Seasholtz,~~
~~-acting pro se)~~

vs.

Intervenor: ~~Ross Hutchins, Murray Stewart~~
~~Hutchins & Deatherage~~
~~4021 South Harvard~~
~~Tulsa 74135~~

SECRETARY, DEPARTMENT, AND AGENTS OF THE
UNITED STATES DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE, WASHINGTON, D. C.,
and His Agents, et al.

and

HEALTHCO, INC., and each and all persons,
firms, and incorporations similarly
situated

Intervenor

For defendant:

Ungerman, Grabel and Ungerman
XXXXXXX (Kan: BC/BS) 58-6101
6th Floor Wright Building
Tulsa, Okla. 74103
of counsel: Goodell, Casey, Briman,
Rice & Cogswell
215 E. 8th
Topeka, Kan. 66603

Nathan G. Graham Jack Short
Raymond J. Totoro
Sequoyah Memorial Office Bldg.
P. O. Box 25352
Okla. City 73125

Mr. Dan Wagner (Aetna Life)
310 Beacon Bldg.
Tulsa, Oklahoma 74103

5846437

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed 6-1-72	Clerk	5/10	J. Seasholtz	15.00	
		5-11-72	C.D.No. 50		15 00
J.S. 6 mailed 3-1-76	Marshal				
Basis of Action: Writ of Mandamus	Docket fee				
	Witness fees				
Action arose at:	Depositions				

DATE	PROCEEDINGS	Date Order or Judgment Noted
5-10-72	Motion by plaintiffs for an Order of Mandamus, filed. rm (Summons prepared) <i>issued</i>	
5-23-72	Return of service of mo. for order of mandamus, filed. Served U.S. Dept. of HEW by serving Nat Graham in Tulsa on 5/17/72, by mailing copy to Sec. of HEW, Washington, D. C. on 5/17/72, and by mailing copy to Atty Gen., Washington, D. C. on 5/17/72; served Chief Administrative Officer; Okla. BC-BS by serving Bob Jarvis in Tulsa on 5/17/72; served Chief Administrative officer, Aetna Life by serving Daniel E. Morloy in Okla. City on 5/22/72; served Lloyd Rader, Okla. Dept. of Public Welfare in Okla. City on 5/22/72; (USM \$12.96) rm	
6-6-72	Appl. of def. Kan. BC/BS for ext. of time to ans., filed. rm	
6-6-72	Order granting def. Kan BC/BS to 6/21/72 to ans. (JHP-Clk) rm <i>copies mailed by atty.</i>	
6-22-72	Appl. of def. Kan. BC/BS for add. time to plead, filed. rm	
6-26-72	Order granting def. Kan BC/BS add. 30 days (to 7/26) to ans. (AEB-J) rm -cpy mailed	
7-11-72	Motion of def. HEW to dismiss, w/brief, filed. rm	
7-11-72	Ordered that pltf. are granted 10 days in which to respond to def.'s motion to dismiss. (AEB-J) rm - ltr. written	
7-12-72	Brief to specify law and evidence, filed by the Plaintiff. Three notebooks as exhibits were also filed with this brief. v <i>in vault</i>	
7-14-72	Plaintiff, Dr. Ira John Seasholtz, motion to withdraw, filed. ds <i>copy to Magistrate</i>	
7-14-72	Plaintiffs' response to motion to dismiss, filed. ds	
8-30-72	Book No. 1, Welch Medical Center Hospital vs. Federal Secy of HEW, et al Book No. 2, Dr. James Emory Seasholtz v. US Secy of HEW, et al (Addition No. 1) Book No. 2, Dr. James Emory Seasholtz v. US Secy of HEW, et al (Addition No. 2) (Three books listed above held in vault) ds	
9-5-72	Motion entered because of material changes in the circumstance of the previous pldg. at bar, filed. v <i>(the ... for brief)</i>	
9-5-72	Ordered by the Court that the Deft.s are granted 10 days to respond to Pltf.'s Motion entered above (on this date). (AEB-J) v	
9-11-72	Brief in support of motion of supplemental complaint entitled "material changes in the circumstances of the previous pleading at bar". filed, by Sr. Seasholtz. h	
9-27-72	Motion of pltf. for leave to amend pleadings, w/brief, filed. rm	
9-27-72	Ordered that defs. are granted 10 days in which to respond to pltf.'s motion for leave to amend pleadings. (AEB-J) rm - ltr. written	
10-6-72	Response of deft. Kansas Blue Cross & Blue Shield to pltf's motion for leave to amend pleadings, filed. g	
10-6-72	Response of deft. Secy. of HEW to pltf's motion for leave to amend pleadings, filed. hm	
10-16-72	Motion to permit joinder of all parties in cases 72-C-169, -168, 344, and 345, with brief, filed. ds	
10-16-72	Ordered by the Court that defendants respond to plain tiff's motion to permit joinder with a reply brief within ten days of this date. letters mailed to parties. ds	
10-17-72	Ordered by the Court that the Magistrate conduct hearing on motion for an order of mandamus, motion to dismiss of deft. Secy. of HEW, pltf. Ira Seasholtz' motion to withdraw, pltf. Dr. Jas. Seasholtz' motion entered because of material changes in the circumstances of	

(cont)

DATE	PROCEEDINGS	Date Order or Judgment Noted
	previous pleading at bar and motion of pltf. for leave to amend pleadings. (AEB-J)hm	
10-17-72	Hearing held on above motions. It is recommended that motion for an order of mandamus be overruled; that motion to dismiss of Secy. of HEW be overruled; that pltf. Dr. Ira Seasholtz' motion to withdraw be sustained; that pltf. Dr. Jas. Seasholtz' motion entered because of material changes in the circumstances of previous pleading at bar be sustained; and that pltf's motion for leave to amend pleadings be sustained. Pltf. given 20 days to file amendment to pleadings. Mr. Graham to prepare recommendations within 5 days. (MLB-Mag)hm	
10-18-72	Findings and Recommendations of Magistrate, filed. (MLB-Mag)hm (copies mailed)	
10-26-72	Order filed, that deft's Motion to dismiss is overruled; pltf's Motion to withdraw is sustained; Pltf's Motion for leave to amend pleadings is sustained and pltf's are given 20 days to file amended pleadings, filed. (AEB-J)r (Copies mailed)	
11-7-72	Amended petition as ordered by the Court on 10-17-72, filed. ds	
11-8-72	Supplemental findings and recommendations of the Magistrate, filed. (MLB-Mag)hm (copies mailed)	
11-22-72	Order, filed, overruling and denying pltf's. ' mo./order of mandamus; sustaining pltf's. ' motion entered because of material changes in substance of previous pleadings. (AEB-J)rm - copies mailed	
11-29-72	Motion to intervene of Healthco, Inc., with brief in support, filed. hm	
11-29-72	Certificate of mailing, filed. hm	
11-29-72	Ordered that Pltf. & Deft. file responsive briefs to the motion to intervene of Healthco, Inc., within 10 days. (AEB-J)hm	
12-11-72	Objection of pltf. to motion to intervene by Healthco, filed. rm	
12-11-72	Ordered that intervenor is granted 10 days in which to respond to pltf.'s objections to motion to intervene. (AEB-J)rm - ltr. written	
12-13-72	Interrogatories by pltf. to defs., filed. rm	
12-13-72	Forma Pauperis Affidavit (James E. Seasholtz) filed. js <i>ref to ME</i>	
12-13-72	Mot. of defts. for extension of time to file response to motion to intervene, filed. with brief. g <i>12-13-72</i>	
12-14-72	Order, filed, that Sec. of H.E.W. is granted from 12-11-72, to and including 1-2-73, to respond to Mot. to Intervene filed by Healthco, Inc. (AEB-J)v -copies mailed.	
12-18-72	Response of deft. Kansas B/Cross and B/Shield to motion to intervene, filed. g	
12-20-72	Plaintiff's interrogatories to defendant party, filed. ds	
12-21-72	Motion of Healthco for enlargement of time to answer, with brief in support, filed. ds (over)	

DATE	PROCEEDINGS	Date Order or Judgment Noted
1-9-73	Order, filed, that the Intervenor is granted until 1-12-73 to file brief and response to brief of pltf & deft USA. (AEB-J)hm (copies mailed)	
1-11-73	Mot. of deft. Kansas B/Cr & B/Shield for enlargement of time to respond to written interrogatories, with supporting brief, filed. <i>over to J</i>	
1-12-73	Order filed, that Kansas Blue Cross and Blue Shield is granted to 3-12-73 to answer or object to interrogatories. (AEB-J) ds <i>mailed</i>	
1-15-73	Response of Sec. of HEW to mo. to intervene of Healthco, filed. rm	
1-16-73	Brief in reply to Pltf's Obj to Intervention, filed. r	
1-16-73	Ordered by the Court that Magistrate conduct hearing on motion of Welch Medical Center & Hosp. & Dr. Seasholtz to permit joinder of all parties & claims in 72-C-169, 344 & 345; objection of Dr. Seasholtz to motion to intervene and motion to intervene of Healthco, Inc. (AEB-J)hm	
1-16-73	Hearing held on above motions. It is recommended that motion to permit joinder of all parties in 72-C-169, 344 & 345 be overruled; that objection of Dr. Seasholtz to motion to intervene be overruled; that motion to intervene of Healthco, Inc. be sustained. Deft. to prepare F&R within 5 days. (MLB-Mag)hm	
1-18-73	Findings and recommendations of Magistrate, filed. (MLB-Mag)hm (copies mailed)	
1-30-73	Order, filed, that motion to consolidate 72-C-344, 72-C-345 with this case is allowed; that complaint in 72-C-344 is dismissed with pltf. being given 20 days to file an amended claim; that application to intervene of Healthco on behalf of creditors is allowed and that motions to dismiss of Healthco, etc. be considered at a later time. (AEB-J)hm	
1-30-73	Complaint of intervenor, filed. hm	
2-2-73	Interrogatories directed to adverse parties, filed. hm	
2-5-73	Amended petition, filed. rm	
2-5-73	Motion of pltf. to join add. parties, w/brief in support thereof, filed. rm	
2-5-73	Ordered that defs. are granted 10 days in which to respond to pltf.'s motion to add parties. (AEB-J)rm - ltr. written	
2-13-73	Petition in cross-complaint, filed. Summons issued to Hutchins & Deatherage. hm	
2-20-73	Summons & cr-petition, ret. & filed: served Hutchins & Deatherage, Tulsa, 2-14-73. (USM \$4.20)g	
2-21-73	Response of Healthco, Inc. dba/Murray Myers Co. et al, to petitioner Seasholtz's motion to join additional parties, filed. ds	
2-26-73	Interrogatories directed to the following named individuals as adverse parties: Chief Adm. Officer, Travelers Ins. Co., & Neal Thrift, filed. hm	
2-26-73	Interrogatories to adverse parties, filed. hm	
3-5-73	Pltfs' motion for summary judgment against defts. for failure & refusal to answer and file interrogatories, with brief in support, filed. hm	
3-6-73	Pltfs' motion for S/J against defts., with brief in support, filed. hm	
3-6-73	Motion of Hutchins & Deatherage to dismiss petition in cross-complaint (continued)	

DATE	PROCEEDINGS	Date Order or Judgment Noted
3-6-73	of Dr. James Emory Seasholtz, filed, with brief in support. hm Motion of Healthco, Inc., d/b/a Murray Myers Co., et al to dismiss petition in cross-complaint of Dr. James Emory Seasholtz, filed, with brief in support. hm	
3-12-73	Motion of Lloyd Rader for enlargement of time (to respond to interrogatories), filed. hm <i>order coming from AEB</i>	
3-12-73	Response of Secy. of HEW to motion for S/J and to Motion for default judgment, filed. hm <i>order to Judge</i>	
3-12-73	Motion of Secy. of HEW for enlargement of time within which to answer interrogatories and brief in support thereof, filed. hm <i>order to Judge</i>	
3-12-73	Motion of the Deft., Kansas Blue Cross & Blue Shield, for Enlargement of Time within which to respond to writted Interrogatories, filed with Brief as part of the pleading. v -order to Judge.	
3-13-73	Pltfs' objection to motion of Okla. Dept. of Pub. Welfare & Lloyd Rader for an additional ext. of time for interrog. of 2 months & to production of certain answers, filed. hm	
3-13-73	Pltfs' motion to Court to allow only 10 days extensions upon timely applications for extensions, and none upon untimely application, filed.hm (with brief)	
3-19-73	Order denying pltf. leave to proceed in forma pauperis, filed. (AEB-J)hm (copies mailed)	
3-21-73	Order granting plaintiffs' motion to join additional parties, filed. (AEB-J)hm (copies mailed & summons issued on amended petition filed 2-5-73)	
3-21-73	Order overruling pltfs' motion for S/J, filed. (AEB-J)hm (copies mailed)	
3-21-73	Order granting defendants additional time within which to answer interrogatories and overruling plaintiffs' objections, filed, granting each of defts. 60 days from 3-21-73 to ans. interrog. propounded by pltfs. & ordering that no additional extensions of time to answer interrog. will be entertained by Court or granted. (AEB-J)hm (copies mailed)	
3-22-73	Order, filed, that motion by Healthco, Inc., etc. to dismiss cross-complaint of petitioner filed on 12-11-72 is hereby granted, and cross-complaint is dismissed. (AEB-J)hm (copies mailed)(in case 72-C-344)	
3-22-73	Response of deft. Kansas Blue Cross & Blue Shield to pltf's motion for S/J and to motion for default judgment, filed. hm	
4-6-73	<u>Answer</u> of Sec. of H.E.W., Travelers Insurance Co., Aetna Life & Casualty Co. Of Okla. City, Okla. Blue Cross & Blue Shield, Okla. Dept. of Public Welfare & the Kansas Blue Cross & Blue Shield, including <u>Counterclaim</u> , FILED. v	

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DATE	PROCEEDINGS	Date Order or Judgment Noted
4-12-73	USM service of writ, ret. & filed: Judicial Review served Aetna Life & Casualty Ins. Co., 3-26-73, and Travelers Ins. Co. of K.S., 4-10-73. (USM \$9.43)g	
5-21-73 ✓	Answers to Interrogatories, filed by Deft.s, Okla. Blue Cross & Blue Shield. v	
5-21-73 ✓	Response from the Travelers Insurance Co. to Interragotories directed to certain people set out in the pldng., filed. v	
5-21-73 ✓	Response to Interrogatories addressed to adverse party, filed by Travelers Insurance Co., v	
5-21-73 ✓	Deft.'s Answer to Pltf.'s Interrogatories, filed. v	
5-21-73 ✓	Response to Interrogatories addressed to adverse party, filed by Travelers. v	
5-21-73 ✓	Response from Travelers Insurance to Interrogatories directed to named individuals, filed. v	
5-21-73 ✓	Answer to Interrogatories, filed by Deft. Aetna Life. (re: interrogs served on Pltf.s on 2-24-73.)v	
5-21-73 ✓	Answer to Interrogatories, filed by Deft. Aetna Life. (re: interrogs served to Pltf.s on 12-11-72.)v -Box of Exhibits go with this pldg.	
5-21-73 ✓	Answers of Deft. Kansas Blue Cross and Blue Shield to Interrogatories Propounded by Pltf.s, filed. v	
5-21-73 ✓	Answers of Kirk Hawkins, Director, Program Review, Kansas Blue Cross & Blue Shield to Pltf.s' Interrogatories, filed. v	
5-21-73 ✓	Answers of Deft. Kansas Blue Cross & Blue Shield to Interrogatories Propounded by Pltf., filed. v	
5-21-73	Answers of defendants to plaintiffs' interrogatories, filed. (Ans. of defendant, Depart. of Pub. Welfare, by L. E. Rader) box of exhibits attached to interrogatories placed in exhibit room and duly marked.)ds	
7-9-73	Requests for admission of authenticity and answers to interrogatories concerning the enclosed document, form SSA-1533, filed by pltfs.hm	
8-9-73	Response to Pltfs' Request for Admissions & Answers to Interrogatories, filed by Deft. Group Hospital Service, d/b/a Blue Cross etc. v	
8-9-73	Answers to Interrogatories, filed by Martha A. McSteen, Regional Rep. Bureau of Health Insurance, SS Admin., Dep. H.E.W., Region VI. v	
8-15-73	Interrogatories to carrier Okla. Blue Cross & Blue Shield, filed. hm	
9-14-73	Application for Addl. Time to Ans. Interrogatories, filed. jj O to J	
9-17-73	Order filed that Group Hosp. Service d/b/a Blue Cross & Blue Shield of Oklahoma be granted until Nov. 14, 1973 in which to answer interrogatories.(AEB-J	

(CONT)

DATE	PROCEEDINGS	Date Order or Judgment Noted
9-27-73	Motion for leave to enter crossclaim to defendants counterclaim, with brief attached, filed. ds	
9-27-73	Motion for summary judgment to be entered against defendants Lloyd Rader, the Oklahoma Department of Public Welfare, with brief attached, filed. ds	
9-27-73	Ordered by the Court that defendants respond to plaintiff's motions to enter crossclaim and for summary judgment with a reply brief within ten days of this date. (AEB-J) ds	
10-4-73	Motion for Equitable Relief, submitted by Pltf. James Seasholtz w/ Brief. filed. r <i>copy to judge</i>	
10-4-73	Ordered by the Court that Defendants and Intervenor are granted 10 days from this date, to respond to Pltf. James Seasholtz's Motion for Equitable Relief. (AEB-J)r	
10-5-73	Deft's Response to Pltfs' Mtn. for S/J w/Brief attached, filed. jj	
10-12-73	Response to Plaintiffs motion for Equitable Relief filed.h	
10-15-73	Healthco, Inc., and other Creditors' reply to Seasholtz's motion to enter Cross-Claim, Motion for Summary Judgment, and Motion for Equitable Relief filed.h	
10-16-73	Answer of pltf. to defs. response to pltfs. mo. for equitable relief, filed. <i>rm</i>	
10-16-73	Addition to brief of pltf. for summary judg., filed. rm	
10-17-73	Entry of Appearance of Counsel, filed. jj	
10-19-73	Amendment of answers to pltfs. interrog., by def. Dept. of Public Welfare, filed. rm	
11-5-73	Entry of Appearance filed. h	
12-10-73	Motion for summary judgment of other equitable relief, with brief attached, filed. ds	
12-10-73	Ordered by the court that defendants respond to motion for summary judgment with a responsive brief within ten days of this date. (AEB-J) ds	
12-20-73	Motion of def. Kansas BC & BS for ext. of time to respond to mo/SJ, w/brief, filed. rm	
12-20-73	Order allowing enlargement of time filed. It is ordered that Kansas Blue Cross and Blue Shield, depts herein, are granted an enlargement of time within which to file response to plntfs motion for S/J or other Equitable Relief from 12-20-73 to 1-20-74. (AEB-J)h-copies mailed-	
1-4-74	Mot. of deft. Okla. Dept. of Public Welfare to strike plaintiffs' mot. for summary judgment or other equitable relief, filed. g	
1-4-74	Brief in support of mot. of Okla. Dept. of Welfare to strike, filed. g	
1-4-74	Ordered by the Court that plaintiffs respond to motion to strike with responsive brief within 10 days of this date. (AEB-J)g	

DATE	PROCEEDINGS	Date Order or Judgment Noted
1-7-74	Mot. of pltf. to take judicial notice that intervenors, Heathco., Murry Myers Co., Hutchins and Deatherage have not stated a cause of action or requisite pleading of \$10,000 in litigation, filed. g	
1-7-74	Appl. of Deft. for order striking mot. for Summary Judg., filed. v	(o)
1-14-74	Interrogatories directed to the chief administrative officer of Kansas Blue Cross and Blue Shield, filed. ds	
1-18-74	Pltf's Ans. & Objection to Mot. of OK Dept. of Public Welfare to strike pltf's mot. for summary judgment or other equitable relief, filed. v	<i>Mr. Wright to have him file brief in support</i>
1-18-74	Mtn. of Kan. Blue Cross and Blue Shield to Strike or Deny Pltf's Mtn. for SJ or other Equitable Relief, filed.	
1-18-74	Brief in Support of Deft. Kan. Blue Cross and Blue Shield Mtn. to Strike or Deny Pltf's Mtn. for SJ, filed.jj	
1-28-74	Brief of pltf's. ans. & obj. to "Mo. of Okla. Dept. of Public Welfare to strike pltf. mo/SJ," filed. rm	
1-28-74	Motion for the court to take judicial notice that defendants have not answered complaint, nor opposed motion for summary judgment, filed. ds	
1-28-74	Motion for equitable relief for delay in payment of monies owed to plaintiffs, filed. ds	
1-30-74	Ans. of pltf. & obj. to Kan BC BS mo/strike or deny pltf. mo/SJ, filed. rm	
1-30-74	Motion of Oklahoma Department of Public Welfare for Leave to file answer out of time, filed. with order granting same.s(AEB-J)	
1-30-74	Separate answer of Oklahoma Department of Public Welfare, filed.s	
2-13-74	Mtn. of Pltf's. for Leave to Amend and Supplement Orig. Amended Complaint Now Before the Court w/ Brief, filed.jj Copy of Suppl. Complaint attached.	
2-14-74	Motion of plaintiffs for jury trial, filed. ds (brief attached)	
2-14-74	Motion of def. Kan. BC BS for ext. of time to respond to interrog., w/brief attached, filed. rm	<i>029</i>
2-14-74	Order, filed, granting Kan. BC BS to 3/1/74 to file ans. and/or obj. to interrog., (AEB-J)rm	<i>copy made</i>
2-15-74	Interrogatories directed to the Pres. of Travelers' Insurance Co., fld. v	
2-28-74	Answer brief of Healthco, Inc. to plaintiff's motion to dismiss intervenors, filed. ds	
2-28-74	Mtn. for Addtl. Enlargement of Time to respond to Int. filed by Kansas Blue Cross and Blue Shield, with brief in support.jj	
3-4-74	Order granting def. Ks. Blue Cross/Blue Shield until 3-15-74 to file answers or objections to interrogatories, filed. (AEB-J)g	<i>copy made</i>
3-13-74	Motion of Pltf. for leave to supplement pleadings, brief and supplemental pleadings, filed. g	
3-13-74	Motion for Enlargement of time within which to ans. interrogatories, filed.s	<i>oto</i>
3-15-74	Ans. to Int. Directed to Chief Adm. Officer of Kan. Blue Cross-Blue Shield, filed.jj	

DATE	PROCEEDINGS	Date Order or Judgment Noted
3-15-74	Order, filed granting Travelers Ins. Company until 4-12-74 to respond to written interrogatories. (AEB-J)g	
3-26-74	Re-directed interrogatories directed at answers of defendant, Kansas Blue Cross and Blue Shield dated March 15, 1974, filed. ds	
4-2-74	ANSWERS to Interrogatories Directed to the Pres. of Traveler's Ins. Co., filed.jj	
6-7-74	MOTION of Secy. of H.E.W. to drop as a party from these consolidated actions, Healthco, Inc., and each and all other persons, firms and corporations similarly situated, filed. g	
6-7-74	BRIEF in support of motion to drop parties, filed. g	
6-10-74	MO: IT is Ordered by the Court that pltf. is granted 10 days from this date to respond to deft's Mtn. to drop as a party from cons. actions, Helthco, Inc. and each and all other persons, firms etc., (AEB-J)jj	
6-20-74	MOTION and BRIEF TO Drop Parties filed by pltfs.jj	
6-21-74	Mot. of Intervenors for ext. of time to file reply brief, filed. g	
6-21-74	ORDER, filed, granting Intervenors until 6-24-74 to file reply brief to mot. to drop parties. (AEB-J)g	
6-24-74	MOTION of Dr. James Emory Seasholtz to drop Healthco Inc. and other persons similarly situated as a party from consolidated actions, filed. g	
6-24-74	Brief in support of motion to drop Healthco, Inc., filed. g	
6-24-74	Brief in opposition to motions of pltfs and the U.S. to drop parties. filed. lm	
6-25-74	Motion of intervenors for judg. by default and on pleadings, filed.rm	
6-25-74	Brief of intervenors in support of mo/judg. by default and on pleadings, filed. rm	
6-28-74	Summons issued on above motion. rm	
7-2-74	MO: Ordered by the Court that all parties are granted 10 days in which to respond to motion of intervenors in support of mo/judg. by default and on pleadings. (AEB-J)rm - ltr written	
7-2-74	USM's returns on service of mot. for judgment by default, filed: served Ralph Bethel, Pres., Okla. Physicians Service, and Ralph Bethel, Pres. Group Hospital Service, 7-1-74. (USM \$6.24)g	
7-11-74	Mot. of Okla. Dept. of Public Welfare for ext. of time to respond to mot. for judg. by default, filed. g	
7-11-74	Motion of Sec. of HEW, Elliott Richardson, for Extension of Time to Respond to 7-22-74, filed.k	

DATE	PROCEEDINGS	Date Order or Judgment Note
7-11-74	Order, filed, granting Defs. L. Rader, Dir. of Okla. DPW, & the Okla. DPW until 7-22-74 in which to respond to Motion for Judgment by Default & on the Pleadings filed by the Intervener, Healthco, Inc. (AEB-J)k copies mailed.k	
7-12-74	Mtn. for Enlargement of Time filed by deft. Kansas Blue Cross etc. until 7-22-74.jj 0 to J	
7-12-74	Appl. of Aetna Casualty and Surety Co. and Aetna Life Ins. Co. for Addtl. time to Respond until 7-17-74 to Respond to Mtn. for Jgmt by Default and on Pleadings, filed. Order as part of Appl. to Judge. jj <i>not taken into Court - dismissed as moot</i>	
7-12-74	Special Appearance and Motion by Def. Blue Cross and Blue Shield to dismiss intervenor's motion for default for lack of jurisdiction pursuant to Rule 12 (b), filed.k	
7-12-74	Brief in Support of Def., Blue Cross and Blue Shield of OK Special Appearance and Motion to Dismiss intervenor's motion for default, filed.k	
7-16-74	Order, filed granting Aetna Casualty & Surety Co. & Aetna Life Ins. Co. until 7-17-74 to repondd to intervenor's Mtn. for Jgmt by Default and on Pleadings.k copies mailed <i>by atty</i>	
7-16-74	Order, filed, granting deft. Kansas Blue Cross etc., enlargement of time until 7-22-74 to respond to Mtn. for Default Jgmt. and other pleadings, (AEB-J)jj copies mailed	
7-16-74	Order, filed, granting Sec. of HEW extension of time until 7-22-74 to respond to intervenor's Mtn. for Judgment by Default and other pleadings (AEB-J)jj copies mailed	
7-18-74	Pltfs' motion for enlargement of time to respond to mot. for judgment by default, filed. g	
7-18-74	Motion to Dismiss the Aetna Casualty and Surety Company and Aetna Life Ins. Co., filed.jj	
7-18-74	Brief in Support of Mtn. to Dismiss and Supplemental Response of Aetna Life Ins. Co. and Aetna Casualty & Surety Co. to Intervenor's Mtn. for Judgment, filed.jj	
7-18-74	MO: Ordered by the Court that all parties are granted ten days to file a responsive brief to Aetna Casualty and Surety Company's and Aetna Life Ins. Company's Motion to Dismiss (AEB-J)jj	
7-19-74	Motion for Extension of time to respond to motion of intervenors for judgment by default and on pleadings, filed by def. Kansas Blue Cross & Blue Shield, until 8-12-74.k 0 to J	
7-22-74	Response of HEW to Intervenor's mot. for judg. by default and on pleadings, filed. g	
7-22-74	Order, filed, granting Kansas B/C and B/S until 8-12-74 to respond to Intervenor's mot. for judg. by default. (AEB-J)g cpies mailed.	

DATE	PROCEEDINGS	Date Order or Judgment Noted
7-22-74	Order, filed, granting pltfs. until 8-12-74 to respond to mot. for judg. by default. (AEB-J)g cpies mailed.	
7-23-74	Mtn. of Defts. Okla. Dept. of Public Welfare and Lloyd Rader, to Stay Proceeding on or in Lieu thereof deny Intervenors' Mtn. for Jgmt. by Default and on the Pleadings, filed.jj which includes Brief in Support of Mtn. by Deft., Okla. Dept. of Public Welfare.jj	
7-23-74	MO: It is ordered by the Court that Dr. James Emory Seasholtz and Healthco, Inc. are granted 10 days to respond to above Mtn. (AEB-J)jj <i>Seasholtz</i>	
7-29-74	Response of Intervenors to mot. of defs., Okla. DPW & Lloyd Rader, to stay proceedings on or in lieu thereof deny intervenors' mot. for judgment by default & on the pleadings, filed.k	
7-29-74	Intervenors' response to special appearance & mot. to dismiss intervenors' mot. for default judgment for lack of jurisdiction pursuant to Rule 12b filed by group hospital service d/b/a Okla. Blue Cross & Blue Shield, filed.k	
7-29-74	Response of intervenors to mot. to dismiss the Aetna Casualty & Surety Co. & Aetna Life Insurance Co, filed.k	
8-12-74	Response of Kansas Blue Cross-Blue Shield to intervenors motion for Judgment by Default & on the pleadings, filed.k	
10-11-74	Affidavit of Murray B. Stewart relating to names & addresses of creditors, filed.k	
10-15-74	Order, filed, overruling motions filed by pltf. pro se subject to attys of record renewing any such motions, & that responses & mots. of various defts. to pltf's motions are overruled as being moot. (AEB-J)k copies mailed.	
11-22-74	Response of intervenors to the mot. to strike of Dr. Ira John Seasholtz, filed.k	
11-22-74	Brief in support of intervenors' response to mot. to strike of Dr. Ira John Seasholtz, filed.k	
12-2-74	Motion to strike, filed by pltf. Ira Seasholtz. k	
12-2-74	Brief in support of motion to strike, filed by Ira Seasholtz. k	
12-2-74	MO: It is ordered by the Court that defts. & remaining pltfs. are granted ten days from this date to respond to pltf. Ira Seasholtz's Motion to Strike. (AEB-J)k <i>ops mld</i>	
1-6-75	Response of Intervenors to mot. to strike of Dr. Ira J. Seasholtz, filed. g	
7-10-75	Order, filed, sustaining motions to drop parties, Healthco, Inc., Intervenor and parties similarly situated. (AEB-J)g cpies mailed	

DATE	PROCEEDINGS	Date Order or Judgment Note
7-11-75	MO: It is Ordered that Intervenor's Motion for Judgment by default and on the pleadings be and same is hereby overruled as being moot, Intervenor having previously been dropped from this litigation. Further Ordered that the Mot. to Dismiss Intervenor's Motion for Default for lack of jurisdiction pursuant to Rule 12(b) is hereby overruled as being moot. Further Ordered that the mot. of defts. Oklahoma Dept. of Public Welfare and Lloyd Rader to stay proceeding or in lieu thereof deny Intervenor's mot. for judgment by default & on the pleadings be and the same is hereby overruled. (AEB-J)g	
7-23-75	Intervenor's Motion and request that the Court on its own motion alter and amend the order sustaining mot. to drop parties, filed.k	
7-23-75	Brief in support of intervenor's mot. to alter and amend order sustaining mot. to drop parties, filed.k	
7-23-75	MO: It is ordered by the Court that parties are granted 5 days to respond to intervenor's mot. to alter and amend order sustaining mot. to drop parties. (AEB-J)k cps mld	
7-28-75	Govt's response to motion & request that the Court on its own motion alter and amend the order sustaining motion to drop parties, filed. hm	
7-30-75	<i>Response to mot. and request that the Court on its own mot. alter and amend the order sustaining mot. to drop parties, filed by Plaintiffs. v</i>	
8-12-75	Response to Intervenor's Mot. for Court on its own mot. to alter or amend its order sustaining mots. to drop parties, filed. v	
8-13-75	Response of Kansas BC & BS to Intervenor's Mtn. to alter or amend its order sustaining mtns. to drop parties, filed.jj	
9-16-75	Order Denying Intervenor's Request and motion that the Court on its own motion alter and amend the Order sustaining motion to drop parties, filed.(AEB-J)b cps mld.	
10-15-75	Notice of appeal by Healthco, Inc., Intervenor, to USCA from Order of 9-16-75 denying request that Court amend order to drop parties, filed. copies to USCA & counsel. g	
10-15-75	Bond on appeal (cash), filed. g	
10-28	Notice of intervenor-appellants re appeal record, filed. g	
11-12	Copy of motion from 10th Circuit granting to 12/15/75 to file docketing statement and to transmit record on appeal, filed. rm	
11-24	Notice of Atty's Lien filed by atty. for pltf., Dr. Seasholtz)jj	
11-26	Notice of Atty.'s Lien for Pltf. Ira John Seasholtz, filed. v	
12-10	Request of appellant-intervenor for ext. of time to transmit orig. record on appeal, filed. rm	
12-11	Order, filed, granting appellants to 1/13/76 to transmit record on appeal,(AEB-J)rm - copies to USCA & COUNSEL	
12-17	Designation of addl. record on appeal by intervenors, filed. rm	

DATE	PROCEEDINGS	Date Order or Judgment Noted
<u>1976</u>		
1-7	Intervenors and pltf., Dr. James Emory Seasholtz's request to set case for disposition hearing and for hearing on fees, filed. ph w/brief in support attached.	
1-7	MO: It is ordered by the Court that all attorneys file, within 10 days from this date, documentation of atty. fees claimed, if any. The case is set for hearing on attorney fees on 1-27-76 at 10:30 a.m. The Court will add. hear, at that time, dispos. of pending settlement. (AEB-J)ph cps. mld.	
1-15	Motion of pltf. Dr. J. E. Seasholtz concerning legal fees, filed. g	
1-16,	Application of W. L. Steger for allowance of atty's fees in the amt. of \$31,710.00, filed. lm	
1-16	Application of Stipe, Gossett, Stipe & Harper, for allowance of atty's fees in amt. of \$8,487.50, filed. lm	
1-19	Statement of Dr. Ira John Seasholtz concerning disposal of case and atty. fees, filed. g	
1-19	Statement of H. W. Brooks regarding atty. fees, filed. g	
1-19	Appl. for allowance of fees to atty. for intervenors, filed. v	
1-19	Appli. for allowance of fees to atty. for pltf., filed. lm	
1-19	Appli. for allowance of fees to atty. for pltf., filed. lm	
1-20	Documentation of attorney fees claimed by J. R. Hall, Jr. and Joseph E. Mountford, filed. g	
1-20	Intervenors' Time Records, filed. jj	
1-22	Pltf's response to intervenor's appl. for allowance of fees, filed. ph	
1-26	Response of J. E. Seasholtz to L. McSoud'e appl. for atty. fees; filed. g	
1-26	Pltfs. Response to Stipe, Gossett, Stipe, Harper and Steger's appl. for atty. fees, filed. g	
1-26	Additional documentation of atty fees claimed, filed by J. R. Hall, Jr., and Joseph E. Mountford. k	
1-26-76	Pltfs' Atty's Contracts and Records in Support of Application for Fees, filed. jj	
1-26-76	Appl. of Stipe, Gossett, Stipe & Harper for allowance of atty. fee for representation of Dr. James E. Seasholtz, filed. g	
1-26-76	Appl. of W. L. Steger for allowance of attys fee for representation of Dr. H. W. Brooks, filed. g	
1-26-76	Appl. of W. L. Steger for allowance of attys fee for representation of Dr. James Emory Seasholtz, filed. g	
1-27	Response of J. E. Seasholtz to Intervenor's and McSoud's appl. for allowance of fees, filed. g	
1-27	Subpoenae, ret. & filed: served George Ablah and W. L. Steger, Ok. City on 1-26-76; served Lawrence McSoud, Tulsa 1-23-76, and Joseph Mountford, Miami, Ok. 1-26-76. (USM \$32.80)g	

DATE	PROCEEDINGS	Date Order or Judgment Noted
1-27-76	Clerk granted to 2/12/76 to transmit original record on appeal, per 10th Circuit. rm	
1-27	Stipulation for Judgment, filed. v	
1-28	MO: By agreement of all parties to this action, and due to the fact that the U. S. Magistrate for the Northern District is presently on leave from the Court, and that Chief Judge Allen E. Barrow is presently conducting jury trials, and the parties all desiring that this matter be heard, IT IS ORDERED by the Court that this case is referred to Special Master, Marilyn Culver, for hearing on attorneys' fees and settlement; Mrs. Culver having agreed to serve without charge. (AEB-J)rm	
1-28	Subpoena, ret. & filed: unserved, Robt. Santee out of town. g	
1-30	Subpoena to Rbt. P. Santee, returned unexecuted and filed. g	
2-9	Findings and Recommendations of Special Master as to Attorneys' fees, filed. g	
2-9	MO: Parties are advised that the Report of Special Master was filed this date. Pursuant to the agreement of the parties at the hearing on 1-27-76, all objects must be filed 2 days thereafter, taking into considerations the provisions of Rule 6(e) of FRCP which provides that when service is made by mail an additional 3 day period is computed from time of such service. Said notice of Special Master's Report shall be served by certified mail, return receipt requested. (AEB-J)g	
2-12	Letter from James Seasholtz, filed. No objection to F&R of Special Master.k	
2-13	Exceptions to Special Master's Report, filed.t	
2-17	Pltf's. Motion to accept special Master's Report and to deny Intervenor's Exceptions and Motions to correct and recommendations, filed.t (With Bf. apart of Motion)	
2-23	Statement of no exceptions to Sp. Master's Report, filed by Ira John Seasholtz. g	
2-27	Order filed, Ordered that the "Exceptions" & Mot. filed by the Intervenor be and the same is hereby overruled. <u>Ordered</u> that the F/R of the Special Master be and the same are hereby affirmed and adopted by this Court. Ordered that attys' fees be allowed as follows: Stipe, Gossett, Stipe & Harper from the recovery of James Emory Seasholtz \$750.00, Lawrence A. McSoud from the recovery of James Emory Seasholtz \$4,000.00, W. L. Steger and Lawrence A. McSoud from the recovery of Harold W. Brooks \$5,408.00 J. R. Hall, Jr. and Joseph Mountford from the recovery of Ira John Seasholtz, \$10,201.37. (AEB-J)t cps. mld	
2-27	Judg. filed and entered; that judg. is hereby entered against the U.S.A. for D.H.E. & W. in the amount of \$73,675.24 & judg. is entered against the State of Oklahoma, Dept. of Public Welfare, in the amt. of \$47,739.70 which amount totals \$121,414.94 and which judgment is in favor of the following recipients for the following amounts: James Emory Seasholtz \$78,398.76, Ira John Seasholtz \$20,402.74, Harold W. Brooks \$22,613.44 for a total of \$121,414.94. <u>Ordered</u> that judg. is hereby entered against the State of Okla. Dept. of Public Welfare, in the amt. of \$10,827.70, which judg. is in favor of Healthco, Inc., d/b/a Murray Myers Co. & Murray Myers X-Ray Co. <u>Ordered</u> that Ira John Seasholtz & Harold W. Brooks are hereby made parties to this action to enable them to participate in the entry	cont.

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. <u>72-C-169</u>
		PAGE ____ OF ____ PAGES

DATE	NR.	PROCEEDINGS
cont.		<p>payment and satisfaction of this judg. <u>Ordered</u> that judg. in favor of Ira John Seasholtz in the amt. of \$20,402.74 may be satisfied by the U.S.A. & the State of Okla. by the payment of such amount to Ira John Seasholtz by delivering said payment to his attorneys, J.R. Hall, Jr. & Joe Mountford. <u>Ordered</u> that the judg. in favor of Harold W. Brooks in amt. of \$22,613.44 may be satisfied by the U.S.A. & the State of Okla. by the payment of said amount, less a sum of \$6,087.96, deducted because of an Internal Revenue Service tax levy or a net amount of \$16,525.48 by delivering said net amount to the attys for Harold W. Brooks, Lawrence A. McSoud & W. L. Steger. <u>Ordered</u> that judg. in favor of Healthco, Inc., d/b/a Murray Myers Co. & Murray Myers X-Ray Co. by delivering said payment to its atty, Ross Hutchins. <u>Ordered</u> that judg. in favor of James Emory Seasholtz in the amt. of \$78,398.76 may be satisfied by the U.S.A. & the State of Okla. by the payment of such amt. of James Emory Seasholtz by delivering said payment to his attorneys, Lawrence A. McSoud, W. L. Steger and Gene Stipe. <u>Ordered</u> that all claims and causes of action asserted in these actions, except those reduced to judg. herein, are hereby dismissed with prejudice. (AEB-J)t cps. mld.</p>
3-2		Release and satisfaction of judg. by intervenors, Healthco, of judg. in amt. of \$10,827.70, from State of Okla., Okla. Dept. of Public Welfare, filed. rm
3-3-76		Receipt, release and satisfaction of judgment by W. L. Steger and Lawrence McSoud re judg. against State of Okla. & USA in favor of Harold W. Brooks, filed. rm
3-3		Receipt, release and satisfaction of judgment by James E. Seasholtz re judg. in favor of him and against State of Okla. and USA, filed. rm
3-3		Receipt, release and satisfaction of judg. by J. R. Hall, Jr. re judg. in favor of Ira John Seasholtz and against State of Okla. and USA, filed. rm
3-18		Receipt, release and satisfaction of judg. by Dr. James Emory Seasholtz, filed. rm
3-22		Certified copy of Order of USCA dismissing appeal on ground that all matters have been settled and appeal is moot, filed and spread of record. rm
1-24-83		ORDER granting disbursement of \$250.00 posted on 10/15/75 to Ross Hutchins, 3414 S. Yale, Tulsa, OK 74135. (HDC-J) bv ck mailed

PLAINTIFF		DEFENDANT	DOCKET NO. _____ PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	

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